

AMENDED IN ASSEMBLY MAY 26, 2009

AMENDED IN ASSEMBLY MAY 6, 2009

AMENDED IN ASSEMBLY APRIL 20, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 296**

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**Introduced by Assembly Member Solorio**

February 17, 2009

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An act to add Article 4.3 (commencing with Section 52060) to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code, relating to supplemental education services.

### **LEGISLATIVE COUNSEL'S DIGEST**

AB 296, as amended, Solorio. Supplemental educational services.

(1) Existing federal law defines “supplemental educational services” as tutoring and other supplemental academic enrichment services that are provided in addition to instruction provided during the schoolday and are high quality, research-based, and specifically designed to increase academic achievement, as specified.

Under federal law, local educational agencies, state educational agencies, and providers of supplemental educational services are required to comply with certain requirements relating to the administration of these supplemental educational services.

This bill would require local educational agencies and supplemental educational service providers to comply with specified requirements relating to these supplemental educational services, including requirements relating to providing information to parents and guardians

and enrollment of pupils in supplemental educational services. The bill would require local educational agencies to permit supplemental educational service providers access to school facilities if the local educational agency provides access to outside entities, except as specified. Because the bill would require local educational agencies to provide a higher level of service, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 4.3 (commencing with Section 52060) is  
2 added to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the  
3 Education Code, to read:

4  
5 Article 4.3. Supplemental Educational Services  
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7 52060. This article applies to supplemental educational services  
8 offered pursuant to Section 6316(e) of the federal No Child Left  
9 Behind Act of 2001 (20 U.S.C. Section 6301 et seq.).

10 52061. (a) ~~Local educational agencies~~ *A local educational*  
11 *agency* shall provide at least two methods by which parents or  
12 guardians of eligible pupils may submit completed enrollment  
13 forms. These methods may include, but are not necessarily limited  
14 to, a dropoff location, facsimile, postal mail, and through an  
15 Internet Web site.

16 (b) ~~Local educational agencies~~ *A local educational agency* shall  
17 provide parents or guardians of eligible pupils with information  
18 about the availability of supplemental educational services through  
19 at least two channels. These may include, but are not necessarily  
20 limited to, providing the pupil with information, back-to-school  
21 presentations, school fairs, postal mail, and telephone.

(c) (1) If a local educational agency provides outside entities access to school facilities before school, after school, or both, the local educational agency shall permit supplemental educational services providers the same access. Those providers shall comply with the same legal requirements and fee obligations with which all other outside entities comply. ~~However~~

(2) ~~However~~, if allowing equal access to school facilities is impractical due to limited availability of space, ~~school district governing boards~~ *the governing board of a local educational agency* may limit provider access to school facilities. If opting to limit access to facilities, ~~a school district governing board~~ *the governing board of a local educational agency* shall develop fair and transparent policies and procedures for determining which providers can serve pupils at each ~~school site, and shall solicit input of providers and parents.~~ *school site.*

(3) *The governing board of a local educational agency shall ensure that the policies and procedures developed for supplemental educational service providers are consistent with the policies and procedures developed for other groups seeking access to school facilities. The governing board of a local educational agency shall make these policies and procedures available for public comment prior to their adoption.*

(d) Supplemental educational service providers shall not preprint their company name on pupil enrollment forms.

(e) Supplemental educational service providers shall not knowingly enroll pupils who are not eligible for supplemental educational services.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

CORRECTIONS:

Text—Pages 2 and 3.

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